

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANTHONY L. HUGHES,)	Case No. 08 C 1360
)	
Plaintiff,)	Judge Conlon
)	
v.)	Magistrate Judge Keys
)	
THE SUN TIMES COMPANY, a Delaware)	
corporation,)	
)	
Defendant.)	
)	

DEFENDANT’S MOTION TO DISMISS

The Sun Times Company (the “Sun Times”) moves to dismiss Plaintiff Anthony Hughes’ (“Hughes”) complaint pursuant to Fed. R. Civ. P. 12(b)(6) and Local Rule 7.1.¹ In support of its motion, the Sun Times states:

1. On November 28, 2007, the Equal Employment Opportunity Commission (“EEOC”) mailed Hughes a dismissal and notice of right to sue (Compl. 11).
2. On March 5, 2008, 98 days after EEOC mailed the notice of right to sue, Hughes filed a complaint against the Sun Times alleging violations of the Americans with Disabilities Act (“ADA”) (Compl. 2).
3. Hughes’ complaint is time-barred and must be dismissed because it was filed more than ninety days after receipt of his notice of right to sue. 42 U.S.C. § 2000e-5(f)(1); *see St. Louis v. Alverno College*, 744 F.2d 1314, 1316 (7th Cir. 1984).

¹ Plaintiff incorrectly identified Defendant as “The Sun Times Company.” Plaintiff was employed by Fox Valley Publications—a subsidiary of the Sun-Times News Group.

CONCLUSION

Based on the foregoing and the contemporaneously filed memorandum of law in support of this motion, the Sun Times respectfully requests that the Court dismiss Hughes' complaint with prejudice and enter a judgment in favor of the Sun Times.

Respectfully submitted,

THE SUN-TIMES NEWS GROUP,

/s/ Jason M. Torres

Kristin Michaels
Jason M. Torres
SEYFARTH SHAW LLP
131 South Dearborn Street, Suite 2400
Chicago, Illinois 60603
(312) 460-5000

April 21, 2008

CERTIFICATE OF SERVICE

Jason M. Torres, an attorney, certifies that he caused a true and correct copy of the foregoing Motion to Dismiss to be filed electronically in the United States District Court for the Northern District of Illinois on this 21st day of April , 2008.

Philip W. Collins III, Esq.
Law Offices of Philip W. Collins III
940 E. Diehl road, Suite 110-B
Naperville, Illinois 60563
(630) 505-1424
pwc3@pwc3law.com

s/ Jason M. Torres